

Appl. No. 10/072,672
Amdt. dated Oct. 6, 2005
Reply to Office Action of July 12, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 2. This sheet, which includes FIGs. 2 and 3, replaces the original sheet including FIGs. 2 and 3. In FIG. 2, the word "INDENTIFIER" in block 60 has been corrected to more properly recite "IDENTIFIER."

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

1. The Examiner rejected claims 1-9, 12-25, and 40-48 under 35 U.S.C. § 102(e) as being anticipated by Debonnett, Jr. (U.S. Patent Application Publication No. US 2001/0032139 A1 and hereinafter referred to as "Debonnett"). Claims 10, 32, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Lobel et al. (U.S. Patent Application Publication No. US 2002/0198051 and hereinafter referred to as "Lobel"). Claims 11, 31 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Collins (U.S. Patent Application Publication No. US 2003/0055662 A1). Claims 26-30, 33-39, 51, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Murray (U.S. Patent No. 6,040,781). Claims 35, 36, 38, 39, 41-43, 46, and 50 were objected to for allegedly being in improper dependent form for not referring to preceding claims. Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Objections to the Claims

2. Claims 35, 36, 38, 39, 41-43, 46, and 50 were objected to for allegedly being in improper dependent form for not referring to preceding claims. Applicants have amended claims 35, 36, 38, 39, 41-43, 46 and 48 to more properly refer to preceding claims. Applicant submits that claim 50 is in proper dependent form because it originally depended from claim 42, a preceding claim. In view of the foregoing, Applicants respectfully request that the Examiner withdraw his objections to the claims.

Rejections under 35 U.S.C. § 102(e)

3. Claims 1-9, 12-25, and 40-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by Debonnett. In particular, with respect to independent claims 1 and 40, the Examiner asserts that Debonnett discloses a first session client that participates in an online session, accumulates session information for the session, and transfers the session information to a second session client for continuation of the session. Applicants disagree with the Examiner's characterization of Applicants' claims in view of Debonnett.

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Debonnett discloses a process for enabling or empowering various banking customers to purchase goods or services over the Internet from various merchant servers and seamlessly pay for such services directly from the customers' respective bank accounts through a back office settlement procedure when both a customer and a merchant have agreed to use such procedure. The settlement procedure provides for debiting the purchaser's account and crediting the merchant's account after authentication of the purchase by the purchaser and verification that the purchaser's account is adequately funded. However, Debonnett completely fails to disclose or suggest any transfer of session data accumulated by a *first client* to a *second client* in order for the *second client* to *continue* an ongoing online session originally involving the *first client* and a server.

In support of his assertions, the Examiner cites Paragraphs [0002] and [0024] of Debonnett. Paragraph [0002] of Debonnett simply states that online vendors require customers to enter financial information (e.g., credit card information) and mailing information when making a purchase, and that customers are often reluctant to provide such information over the Internet unless they can verify that the submission and retention of such information is secure. Paragraph [0024] of Debonnett simply discloses a customer's selection of a seamless payment and settlement network as a payment option for purchasing goods or services over the Internet. The seamless payment and settlement network option is available only if the merchant participates in the network and the purchaser has enrolled with the purchaser's bank to use the network. Therefore, while a purchaser would use a session client on his or her computer to participate in a session with a merchant server to purchase goods or services, it is abundantly clear from the disclosure of Debonnett that the data accumulated by the purchaser's session client is not transferred to any other client in order for the new client to *continue* the session.

Instead, the data entered by the purchaser during the session is stored on the merchant server (3B) and transferred from the merchant server (3B) to the seamless network web server (2H). However, a transfer of data between *servers* during or after a client-server session is not a direct or indirect transfer of information to a *client* for session continuation purposes. The network security server (3P) sends a query to the purchaser's computer, but this query would be part of a second session between the purchaser's client and the security server, not a continuation of the original session with the merchant server (3B). Moreover, there is absolutely no

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disclosure in Debonnett indicating or suggesting that the data or information acquired by the purchaser's computer session client during the session is transferred to any other client *to continue the session*. In order for the disclosure of Debonnett to recite a process or system similar to Applicants' invention, Debonnett would have to, for example, disclose that the data acquired from the merchant server by the purchaser's computer session client was transferred to another session client (e.g., on the purchaser's handheld personal digital assistant (PDA)) without terminating or having to restart the session (i.e., seamlessly) so that the purchaser could complete the purchase using his or her PDA. Debonnett clearly fails to disclose or suggest such a seamless session transfer.

Notwithstanding the foregoing, Applicants have herein voluntarily amended independent claims 1 and 40 to clarify the subject matter that was inherently recited in Applicants' claims as originally filed when such claims are properly construed in light of the specification as required by the Federal Circuit's recent *en banc* decision in *Phillips v. AWH Corp.*, Nos. 03-1269, 03-1286, 2005 WL 1620331 (Fed. Cir. July 12, 2005). Such claim amendments are intended merely to clarify the originally claimed subject matter and are not being made in any way to distinguish the recitations of claims 1 and 40 from the disclosure of Debonnett or any of the other cited references.

Therefore, for the foregoing reasons, Applicants submit that the recitations of claims 1 and 40, whether as originally filed or as amended, are not disclosed or suggested by Debonnett and respectfully request that claims 1 and 40 be passed to allowance.

Claims 4-9, 12-14, 16-25, and 41-48 (claims 2, 3, and 15 having been cancelled herein) are dependent upon claim 1 or claim 40, both of which have been shown allowable above. Moreover, claims 4-9, 12-14, 16-25, and 41-48 recite subject matter that is not disclosed or suggested by Debonnett or any of the other cited references. Therefore, since claims 4-9, 12-14, 16-25, and 41-48 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 4-9, 12-14, 16-25, and 41-48 are not disclosed or suggested by Debonnett and respectfully request that claims 4-9, 12-14, 16-25, and 41-48 be passed to allowance.

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Rejections under 35 U.S.C. § 103(a)

4. Claims 10, 32, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Lobel. Claims 10, 32, and 49 are dependent upon claim 1 or claim 40, both of which have been shown allowable above. Moreover, claims 10, 32, and 49 recite subject matter that is not disclosed or suggested by Debonnett, Lobel, or any of the other cited references. Therefore, since claims 10, 32, and 49 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 10, 32, and 49 are not disclosed or suggested by Debonnett in view of Lobel and respectfully request that claims 10, 32, and 49 be passed to allowance.

5. Claims 11, 31 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Collins. Claims 11, 31 and 50 are dependent upon claim 1 or claim 40, both of which have been shown allowable above. Moreover, claims 11, 31 and 50 recite subject matter that is not disclosed or suggested by Debonnett, Collins, or any of the other cited references. Therefore, since claims 11, 31 and 50 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 11, 31 and 50 are not disclosed or suggested by Debonnett in view of Collins and respectfully request that claims 11, 31 and 50 be passed to allowance.

6. Claims 26-30, 33-39, 51, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Debonnett in view of Murray. Claims 26-30, 33-39, 51, and 52 are dependent upon claim 1 or claim 40, both of which have been shown allowable above. Moreover, claims 26-30, 33-39, 51, and 52 recite subject matter that is not disclosed or suggested by Debonnett, Murray, or any of the other cited references. Therefore, since claims 26-30, 33-39, 51, and 52 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 26-30, 33-39, 51, and 52 are not disclosed or suggested by

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Debonnett in view of Murray and respectfully request that claims 26-30, 33-39, 51, and 52 be passed to allowance.

Amendments to the Specification

7. Applicants have herein amended paragraphs 0011, 0014, 0016, 0018, 0033-0035, 0037, 0038, 0043-0045, 0048-0050, 0053, 0056, 0061, 0064, 0066-0068, 0073, 0075, 0085, 0092, 0096, 0097, 0099, 0101, 0102, 0105-0108, 0110, 0113, 0115, 0116, 0119, 0121-0125, and 0128 of the specification to correct minor informalities contained therein. Applicants submit that no new matter has been added by such amendments.

Other Amendments to the Claims

8. Applicants have herein amended all of the pending claims to correct minor informalities therein, to broaden the claims in certain respects, to make the recitations of dependent claims consistent with amendments made to their respective base claims, and/or to recite disclosed, but previously unclaimed subject matter. None of these amendments were intended to narrow the claims in any manner or were made for any purpose related to patentability. Applicants submit that all such claim amendments are fully supported by Applicants' originally filed specification and, therefore, do not introduce any new matter into the specification.

Amendments to the Drawings

9. Applicants have amended FIG. 2 of the drawings to correct a typographical error in the text of block 60. Applicants submit such drawing amendment is fully supported by Applicants' originally filed specification at page 13, line 21 and, therefore, does not introduce any new matter into the specification.

New Claims

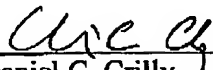
10. Applicants have herein added new claims 53-55 directed to additional features of the present invention. Applicants submit that such claims are fully supported by Applicants' originally filed specification and are patentably distinct from the prior art of record. For

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example, claims 53-55 are supported by FIGs. 17-21 of Applicants' originally filed application together with their supporting description in Applicants' originally filed specification. Accordingly, Applicants request that the Examiner pass new claims 53-55 to allowance. With the addition of claims 53-55 and the cancellation of claims 2, 3, and 15, fifty-two (52) claims remain pending in the present application, three (3) of which are independent. Applicants had previously paid for examination of fifty-two (52) claims, three (3) of which could be independent. Therefore, Applicants have *not* added any "extra" independent or dependent claims to the present application by virtue of the addition of claims 53-55. As a result, Applicants submit that no additional filing fees are believed due for examination of claims 53-55. If Applicants have erred in their determination that no additional filing fees are due, please charge any additional filing fees to the undersigned's Deposit Account No. 50-1111 and provide an explanation as to the grounds for such fees by telephone to the undersigned or in the Examiner's next correspondence.

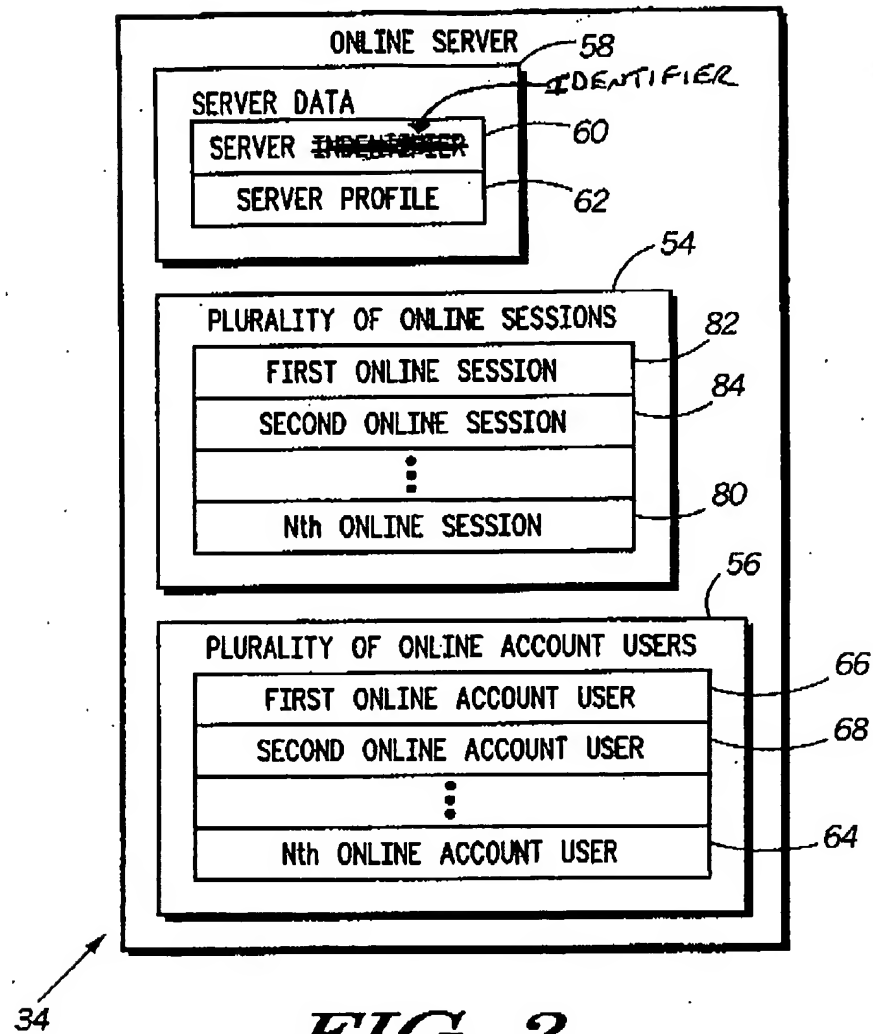
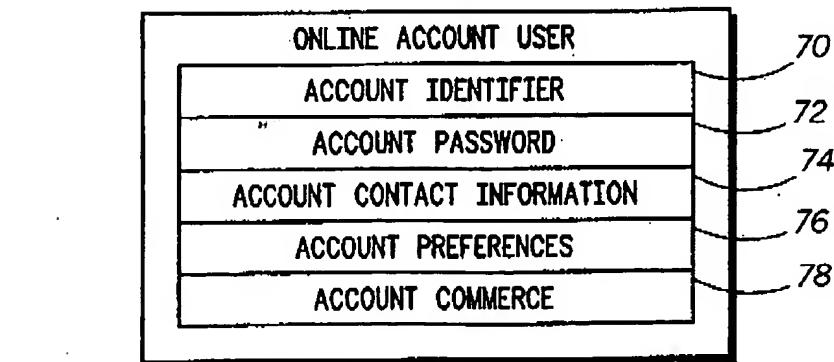
11. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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**FIG. 2****FIG. 3**